JUDGMENT NO. 173 YEAR 2019

In this case, the Court considered a referral order from the National Bar Council, contesting a legal provision that prohibited candidates from seeking election for a third consecutive term as council members of district bar associations. The referring Council argued that the provision constituted an unreasonable restriction of the right of candidacy and the right to vote, that it impinged upon the autonomy of bar associations as non-financial entities of an associational nature, and that it overstepped the bounds of reasonableness for retroactive provisions. The Court rejected these arguments and held the questions to be unfounded. The Court pointed out that limiting re-election was a principle that applied to many public positions, including for the leadership of many other professional associations, and found its purposes (turnover and alternation to prevent the crystallization of power within the association) to be legitimate and equality-driven. The Court also found that bar associations performed important public functions, as their mandatory membership structure suggests, and held that, therefore, they are bound to comply with the constitutional requirements of impartiality and efficiency. The prohibition on third consecutive terms, it held, was in line with these requirements. Finally, the Court held that the provision's reference to past events or situations as a criterion for its application (that is, terms served prior to the provision's entry into force counted toward the total of two consecutive terms that triggered the prohibition on immediate candidacy), did not make it truly retroactive in scope. Therefore, it did not need to be justified at the level of retroactivity.

[omitted]

THE CONSTITUTIONAL COURT

[omitted]

gives the following

JUDGMENT

in proceedings concerning the constitutionality of Article 3, paragraph 3, sentence 2, of Law no. 113 of 12 July 2017 (Provisions on the election of members of the councils of district bar associations) and of Article 11-*quinquies* of Decree-Law no. 135 of 14 December 2018 (Urgent provisions concerning support and simplification for companies and the public administration), as added by Conversion Law no. 12 of 11 February 2019, initiated by the National Bar Council (*Consiglio Nazionale Forense*) with two referral orders of 28 February 2019, registered as no. 65 and 66, respectively, of the 2019 Register of Referral Orders and published in the *Official Journal* of the Republic no. 18, first special series, of 2019.

Considering the appearances of Nicola Giusteschi Conti and other, Carla Giuliani and others, Alessandro Cardosi and others, Salvatore Lupinacci and the *Consiglio dell'Ordine degli Avvocati di Savona* [Council of the Bar Association of Savona] and others, as well as the interventions of the President of the Council of Ministers, Alfredo Sorge and others, and the National Bar Association;

having heard from Judge Rapporteur Mario Rosario Morelli during the public hearing of 18 June 2019;

having heard from counsel Bruno Ricciardelli on behalf of Alfredo Sorge and others, Alessandro Barbieri on behalf of the National Bar Association, Luigi Cocchi on behalf of Alessandro Cardosi and others, Scipione Del Vecchio and Daniele Granara on behalf of Salvatore Lupinacci, Luigi Piscitelli on behalf of the *Consiglio dell'Ordine degli Avvocati di Savona* and others, Fabio Valerini on behalf of Nicola Giusteschi Conti and other, Giovanni Pietro Sanna and Giovanni Delucca on behalf of Carla Giuliani and

others, as well as State Counsel Giacomo Aiello on behalf of the President of the Council of Ministers.

[omitted]

Conclusions on points of law

1.– The National Bar Council (CNF), in its capacity as a special tribunal (see, most recently, Judgment no. 189 of 2001) – with the two referral orders issued in proceedings on election complaints described in the *Facts of the case* section, which may, as a preliminary matter, because of the nature of the request they contain, be united to be jointly considered and decided – raises incidental questions concerning the constitutionality of:

a) Article 3, paragraph 3, sentence 2 of Law no. 113 of 12 July 2017 (Provisions on the election of members of the councils of district bar associations), in the part in which it provides that the members of the councils of district bars may not be elected for more than two consecutive terms, alleging that this violates Articles 3, 48, and 51 of the Constitution, on grounds that it results in an unreasonable limitation of the rights to vote and to candidacy;

b) the same sentence, Article 3, section 3, sentence 2, for allegedly failing to comply with Articles 2, 3, 18, and 118 of the Constitution, on the grounds that the prohibition amounts to an illegal and unreasonable restriction of the sphere of autonomy reserved to the district bars as non-financial public entities of an associational character; and,

c) Article 11-*quinquies* of Decree-Law no. 135 of 14 December 2018 (Urgent provisions concerning support and simplification for companies and the public administration), in the text introduced by Conversion Law no. 12 of 11 February 2019, in the part in which it provides, as a rule of authentic interpretation, that the prohibition on election for more than two consecutive terms takes into consideration terms begun prior to the entry into force of the law establishing the prohibition, claiming that this violates Articles 2, 3, 18, 48, 51, and 118 of the Constitution by allegedly overstepping the bounds of reasonableness for retroactive rules of authentic interpretation. This conclusion is based on the observation that thus conferring *pro futuro* effects upon facts that occurred in the past and upon legal relationships which have run their full course entails a restriction of lawyers' rights to vote and to candidacy, as well as of the judicial functions constitutionally reserved to the National Bar Council as the special tribunal empowered to hear disputes concerning election of the district councils.

2.– As a preliminary matter, this Court confirms the order, emitted during the hearing and annexed to this Judgment, which declared the interventions of "third-party" lawyers in the case initiated by Order no. 65 of the 2019 Register, as well as of the National Bar Association, inadmissible in both cases.

3.– Turning to the merits, all of the questions raised are unfounded.

3.1.– In the first place, the presumed violation of Articles 3, 48, and 51 of the Constitution, allegedly caused by the prohibition on third consecutive terms under challenged paragraph 3, sentence 2, of Article 3 of Law no. 113 of 2017, does not exist.

3.1.1.– The rule against running again immediately after a candidate has completed "two terms" was already provided by Article 28(5) of Law no. 247 of 31 December 2012 (New regulatory scheme for the legal profession).

Challenged Article 3, paragraph 3, of the law that succeeded it, no. 113 of 2017, reproduces the same prohibition in a more circumscribed form, in that it disallows candidates to run only for the third "consecutive" term, thus allowing candidacy when at least one election cycle has passed since the end of the second consecutive term. It also leaves open the possibility for a third consecutive term in the event that one of the two previous terms did not reach the full two-year duration.

3.1.2.– The Joint Divisions of the Supreme Court of Cassation have held that the prohibition on third consecutive terms, thus reformulated, is compatible with constitutional values (Judgment no. 32781 of 19 December 2018). The case law of an individual division of the Court of Cassation had already reached this conclusion, in a case involving the same limitation as applied to council member candidates in the association of accountants and fiscal experts (Supreme Court of Cassation, First Civil Division, Orders no. 12461 and 12462 of 21 May 2018).

The CNF, however, takes the opposite view, and, in raising questions of constitutionality about the aforementioned provision of Law no. 113 of 2017, it structures its argument that its questions are not manifestly unfounded in the form of direct replies to the reasoning used by the Court of Cassation in its decisions.

The referring Council thus maintains that the rationale behind the prohibition (which the Joint Divisions of the Supreme Court of Cassation identified as the protection of the "preeminent value of alternation or turnover in representative positions") "has an objective that is essentially political in nature […] which, while it may be freely pursued by the legislator, acting within the sphere of political discretion to which it is entitled, is not comparable to the rights and principles connected with voting and candidacy in terms of constitutional spirit."

The same referring Council also underscores that the Supreme Court of Cassation allegedly "attached great importance to the analogy with prohibitions concerning reelection for mayors." The Council observes, to the contrary, that, "indeed, it is one thing to consider the representativeness of a territorial authority of a political nature, and another to consider the representativeness of a public association;" and "above all, it is one thing to consider the prohibition on reelection concerning single-leader authorities at the helm of political bodies (such as a mayor, who is the organic representative of a municipality, and who, because of this, is endowed with significant, direct managerial and authoritative powers to make policy decisions – and another to consider the prohibition of reelection of members of a collegiate body the purpose of which is to manage a public association, and which is merely administrative in nature."

The challenged provision, the referring Council concludes, allegedly does not respond to a "constitutional interest capable of 'competing in terms of weight' with the right to candidacy."

Moreover, it alleges that the right to vote is also undermined, as well as the principle of the free vote, "enshrined with particular solemnity in Article 48 of the Constitution," arguing that since the "legal denial of the possibility for certain individuals to participate in electoral races" inevitably corresponds to the "restriction of the room for free choice left to voters, who will lose the ability to choose those individuals as the objects of their vote, to the advantage of others."

3.1.3.– The arguments underlying the referring Council's challenges of the non-eligibility clause for council members of district bar associations are not convincing.

3.1.3.1.– Although the analogy between the reelection prohibition for council members of district bar associations and that which applies to mayors has no relevance, it is a matter of fact that limiting the consecutive terms an individual may serve is a principle with broad application for public positions (it applies to the elected members of the Supreme Judicial Council [*Consiglio Superiore della Magistratura*, CSM]; members of the Council of Lawyers and State Prosecutors [*Consiglio degli Avvocati e Procuratori dello Stato*]; members of the National Bar Council; and the members of the National Council of Notaries [*Consiglio Nazionale del Notariato*], among others. It is, in any case, a principle with general scope in the more specific sphere of professional associations.

It is also relevant to mention Article 9, paragraph 9, of Legislative Decree no. 139 of 28 June 2005 (Establishment of the Association of Doctors of Accounting and Fiscal Experts, in compliance with Article 2 of Law no. 34 of 24 February 2005), which, with reference to the Association of Doctors of Accounting and Fiscal Experts, provides that, "[the] council members of the Association and the President may be elected for no more than two consecutive terms." Similarly, Article 25, paragraph 13, sentence 1 of the same Decree-Law no. 139 of 2005 establishes, with regard to the National Council of Doctors of Accounting and Fiscal Experts, that, "[the] members of the National Council hold their position for four years, and their mandate may be renewed for only one consecutive term." Along the same lines, Article 2, paragraph 4, of the decree of the President of the Republic [d.P.R.] no. 169 of 8 July 2005 (Regulations for restructuring the electoral system and the composition of the authorities of professional associations), concerning the associations of doctors of agronomy and forestry, architects, urban planners, landscapers and conservationists, social workers, actuaries, biologists, geologists, and engineers, provides that, "[the] council members shall hold their positions for four years from the date of the proclamation of the results, and, starting from the date of the entry into force of this regulation, they may not be elected for more than two consecutive terms." Relatedly, Article 2, paragraph 4-*septies*, of Decree-Law no. 225 of 29 December 2010 (Extension of term limits established by legislative provisions and of urgent interventions in the areas of taxes and support for companies and families), inserted by Conversion Law no. 10 of 26 February 2011, explains that, "[t]he provisions contained in Article 2, paragraph 4, of the regulation established by d.P.R. no. 169 of 8 July 2005, apply to members of the bodies who are in office on the date of the entry into force of the conversion law of the present decree, with a maximum duration of three consecutive terms." And, again, Article 5, paragraph 2, of d.P.R. no. 169 of 2005 extends the prohibition on election for more than two consecutive terms to members of the national councils of doctors of agronomy and forestry; architects; urban planners, landscapers and conservationists; social workers; actuaries; biologists; geologists; and engineers. Similarly, Articles 2, paragraph 2, and 3, paragraph 2, of d.P.R. no. 221 of 25 October 2005 (Provisions on election procedures and on the composition of the National Council and of district councils, as well as the relevant disciplinary bodies, of the Association of Psychologists, in compliance with Article 1, paragraph 18, of Law no. 4 of 14 January 1999, Article 4 of d.P.R. no. 328 of 5 June 2001, and Article 1-*septies* of Decree-Law no. 7 of 31 January 2005, converted, with modifications, by Law no. 43 of 31 March 2005) provide, for district council members and for the members of the National Council, respectively, of the Association of Psychologists, that election for more than two consecutive terms is prohibited. At the same time, in terms of the election of members of district disciplinary councils, as members of the body tasked with taking disciplinary action concerning lawyers, Article 2, paragraph 2, of National Bar Council regulation no. 1 of 31 January 2014 (Election of the members of District Disciplinary Councils), prohibits election for more than two consecutive terms, similar to the one contained in the provision that the Council itself now challenges in its role as special tribunal.

3.1.3.2.– It is also incorrect to conclude that the balancing between the value of election (in terms of both voting and candidacy) and the opposing objective of turnover and alternation, effected by the challenged provision, results in the violation of the former, and also that the purposes of the ban on a third consecutive term lack in constitutional spirit, as the referring Council claims.

3.1.3.3.– The particular and essential purpose – which the provision that limits some individuals' right of access to the position of councilor of district bar associations

(temporarily, as stated above) intends to serve – is, indeed, to implement the conditions of equality that Article 51 of the Constitution places at the basis of access to "elected positions."

The substantive meaning of this equality would clearly be undermined by a race that could be influenced by those who have held the position being sought for two (or more) consecutive terms, and who have, thus, been able to consolidate a strong bond with a part of the electorate, marked by features of particular closeness.

Prohibiting third consecutive terms favors physiological turnover within the body, injecting "fresh energy" into the representative mechanism (for purposes of ensuring the expansion and increased fluidity of the right of candidacy), and – at the same time – inhibits the development of forms of ossification of the representative body. This is in line with the principle of sound administration, including with regard to its manifestations in the forms of impartiality and transparency, which are expected of bar associations. It also serves to protect the values of authoritativeness of a profession that receives particularly close attention from the legislator, due to its direct relevance for the administration of justice and the right of defense.

These values, which may be traced to Articles 3, 24, 51, and 97 of the Constitution, are protected by the challenged provision in terms of reasonableness and proportionality, given the aforementioned temporary nature (limited to a single term) of the restriction on reelection.

Nor is the opposite conclusion, asserted by the referring Council, correct: that is, that the described values, which may be counterbalanced (with election rights) lack a "constitutional spirit" since, unlike the single-leader positions of a political nature that characterize local authorities, district bar association councils are collegiate bodies derived from an associational phenomenon with an essentially private value.

In any case, this way of framing the issue (which is not in line with the evocation of Article 51 of the Constitution with regard to the elections of merely associational, private law bodies) contradicts the many public functions of oversight and external representation implied by the associational regulation of the professions. These include: safeguarding the independence and professional decorum of members; maintaining the registers; adopting internal rules; overseeing the effective practice of legal apprenticeship; organizing educational courses and schools for specialization; overseeing member conduct; establishing chambers of arbitration and conciliation and bodies for alternative dispute resolution; and overseeing the correct application of the rules of the judicial system within the district. These functions, together with others of equal institutional importance, endow bar associations with the character of public law entities with an associational character. As such, they must submit to the requirements of efficiency and impartiality found in Article 97 of the Constitution.

Disallowing reelection for a third consecutive term is, therefore, consistent with these requirements.

3.2.– Likewise, the alleged contradiction between the aforementioned provision and Articles 2, 18, 118, and "in particular," Article 3 of the Constitution, on the additional grounds of the alleged negative impact that the ban on the third consecutive term has on the sphere of autonomy of professional organizations, must be rejected.

As explained above, the bar associations are, indeed, public, non-financial entities with an associative character (see, among many, the Supreme Court of Cassation, Joint Civil Divisions, Judgments no. 14812 of 24 June 2009, 1874 of 27 January 2009, and 6534 of 12 March 2008), established to ensure compliance with the principles established by law and contained in the rules of ethics, as well as for the purpose of protecting consumers and the public interests connected with the exercise of the profession and the

proper working of the judicial function.
Many of the institutional functions attributed to the bar associations by the legislator include external activities intended to culminate in acts that are subjectively and objectively administrative, with an authoritative character, because they are emitted in the exercise of a power that is recognized as exclusively expressive of administrative power for purposes related to the public interest.
From this derives the mandatory nature of registration in bar associations for all legal practitioners and the distinctive nature of "mandatory association" that characterizes professional associations, and which is intended to protect weighty interests of constitutional import. These interests include, *in primis*, the protection of the right of defense under Article 24 of the Constitution, by providing oversight concerning appropriate levels of competence, continuing education, and the proper practicing of the profession on the part of lawyers.
In light of this, while, on the one hand, the legislator limits or diminishes the freedom of association of those wanting to practice the legal profession, on the other, it mitigates the still broadly recognized autonomy of the associations themselves, so as to guarantee that any registered member may have access to representative positions under effectively equal conditions. The temporary ban on reelection seems intended to prevent the formation and crystallization of power groups within the legal profession, or, in any case, to limit their occurrence, through turnover within the elected positions and the resulting protection of the equality of the voices of the members.
3.3.– The provision under Article 11-*quinquies* of D.L. no. 135 of 2018, inserted by Conversion Law no. 12 of 2019, also does not violate the constitutional provisions referred to by the referring Council.
The challenged rule – which reproduces verbatim the text of Article 1 of Decree-Law no. 2 of 11 January 2019 (Urgent and non-deferrable measures for the reform of the district bar associations), which was repealed (leaving in place the effects it produced and the legal relationships formed on its basis) by Article 1, paragraph 3, of Law no. 12 of 2019 – is expressly intended to provide the "authentic interpretation" of Article 3, paragraph 3, sentence 2 of Law no. 113 of 2017.
To that end, it provides that, "for purposes of compliance with the prohibition under the aforementioned [second] sentence [of paragraph 3 of Article 3 of Law no. 113 of 2017), terms served prior to its entry into force, including partial terms, shall be taken into consideration."
In interpreting Article 3 of Law no. 113 of 2017, the Joint Divisions of the Supreme Court of Cassation (in Judgment no. 32781 of 2018, mentioned above) had already affirmed that the ban on re-election for a third consecutive term may refer "to previous terms and, that is, even to terms that were only partially served prior to the rule's entry into force." It had also denied that this implied a retroactive interpretation.
These conclusions, although called into question by the referring Council, merit being upheld.
3.3.1.– The interpretive purpose of Article 3, paragraph 3, sentence 2, of Law no. 113 of 2017 performed by Article 11-*quinquies*, inserted in D.L. no. 135 of 2018 by Conversion Law no. 12 of 2019, preceded by D.L. no. 2 of 2019, responds to the legislator's effective intention (already explicitly laid out in the draft conversion law of D.L. no. 2 of 2019) to eliminate, in anticipation of the renewal of district bar association councils, every remaining practical uncertainty concerning the time period of reference for the two-term limit, after the interpretive solution reached by the CNF in its judicial capacity was held to be incorrect by the Joint Divisions of the Court of Cassation, and also in response to a specific request put to the Parliament, in a decision of the Bar

Organization Assembly of 21 December 2018, so that any and all doubts would be swiftly laid to rest with an act of primary legislation.

3.3.2.– The regulatory content attributed to the provision interpreted by the legislator of 2019 overlaps precisely with the interpretation offered by the Joint Divisions of the Supreme Court of Cassation (on a date, moreover, that preceded that of the formalization of the candidacies challenged by the complainants in the pending proceedings), and it, therefore, reflects the "living law" concerning the rule governing the relevance of the terms served prior to the entry into force of Law no. 113 of 2017, for purposes of the operability of the ban on third consecutive terms.

3.3.3.– Thus interpreted, the provision does not need to be justified at the level of retroactivity, because it does not have the retroactive scope (in the strict sense), that the referring Council attributes to it and takes issue with.

Indeed, the provision does not regulate past facts in a new way (that is, it does not directly attribute to previous terms served legal consequences that are different from those they had in the applicable time period), but rather provides "for the future," and it is only in this respect that it attributes importance to the two consecutive terms served prior to running for re-election, turning them into a limiting condition.

Limiting access to an elected position, introduced in this way by the interpreted rule (as the Supreme Court of Cassation has already held) "implies nothing more than the immediate operability of the law, and not retroactive applicability in the technical sense, that is, with *ex tunc* effects" (Supreme Court of Cassation, Joint Civil Divisions, Judgment no. 32781 of 2018, which also quotes this Court's Judgment no. 118 of 1994).

The first sentence of Article 3, paragraph 3, of Law no. 113 of 2017, in its turn, provides another condition for ineligibility, barring members who have received an executive disciplinary sanction more serious than a warning during the five-year period preceding their candidacy. No doubts were raised concerning this provision's reference to sanctions imposed on candidates prior to the entry into force of the law itself.

Similarly, the immediate application of the ban on third consecutive terms to persons who have already served the last two consecutive terms amounts to a measure reasonably chosen by the 2017 legislator, intended to operate, for the future, in later bar electoral races.

Moreover, this Court has already held many times that using regulation to attribute immediate import (for the individual to which they refer) to certain facts or situations, which may even have happened previously, turning them into a limitation or a barring condition, with regard to access to elected positions (Judgment no. 236 of 2015) or to conferral of professional certification (Judgment no. 80 of 2019), does not touch upon the sequential timeline of the retroactivity of effects (in the proper sense), but rather upon the physiological one of the application *ratione temporis* of the provision itself.

3.3.4.– This leads to the conclusion that the third remaining question is also unfounded, in reference to all the provisions mentioned.

ON THESE GROUNDS
THE CONSTITUTIONAL COURT

having joined the cases,

1) *declares* that the questions concerning the constitutionality of Article 3, paragraph 3, sentence 2, of Law no. 113 of 12 July 2017 (Provisions on the election of members of the councils of district bar associations), in reference to Articles 3, 48, and 51 of the Constitution and Articles 2, 3, 18, and 118 of the Constitution, respectively, raised by the National Bar Council, with the orders listed in the headnote, are unfounded;

2) *declares* that the questions concerning the constitutionality of Article 11-*quinquies* of Decree-Law no. 135 of 14 December 2018 (Urgent provisions concerning support

and simplification for companies and the public administration), inserted by Conversion Law no. 12 of 11 February 2019, in reference to Articles 2, 3, 18, 48, 51, and 118 of the Constitution, raised by the National Bar Council, with the same referral orders are unfounded.

Decided in Rome, at the seat of the Constitutional Court, *Palazzo della Consulta*, on 18 June 2019.

Attachment:
The Order read at the hearing of 18 June 2019

ORDER

Considering the filings relating to the constitutional proceedings initiated by the National Bar Council with two referral orders of 28 February 2019 (R.O. numbers 65 and 66 of 2019), the object of which is Article 3, paragraph 3, sentence 2, of Law no. 113 of 12 July 2017 (Provisions on the election of members of the councils of district bar associations), in the part in which it provides that the members of the district bar councils may not be elected for more than two consecutive terms, and Article 11-*quinquies* of Decree-Law no. 135 of 14 December 2018 (Urgent provisions concerning support and simplification for companies and the public administration), as inserted by Conversion Law no. 12 of 11 February 2019, in the part in which it provides that the prohibition on election for more than two consecutive terms also applies to terms begun prior to the entry into force of the law establishing the prohibition.

Noting that the National Bar Association (ANF) intervened in both cases, with entries of appearance filed on 21 May 2019, and requested that the questions raised be declared inadmissible or unfounded; and

that in the case initiated by the referral order registered as R.O. no. 65 of 2019, attorneys Alfredo Sorge, Gabriele Gava, Eugenio Pappa Monteforte, and Sabrina Sifo, registered members of the District Bar Association of Naples, intervened with an entry of appearance and a supplementary memorandum, which were filed on 2 May 2019 and 28 May 2019, respectively, "*ad adiuvandum* of the referring Council."

Considering that said subjects are not parties to the pending proceedings;

that the longstanding case law of this Court (see, among many, Judgment no. 13 of 2019 and 180 of 2018; the Orders attached to Judgments no. 141 of 2019, 29 of 2017, and 286, 243, and 84 of 2016) has held that participation in constitutional proceedings is limited, as a rule, to the parties to the pending proceedings, except for the President of the Council of Ministers, and, in cases involving regional laws, the President of the Regional Council (Articles 3 and 4 of the Supplementary Rules for Proceedings before the Constitutional Court);

that it is possible to derogate from these rules, without running afoul of the incidental nature of constitutional proceedings, only in the case of third parties that have a qualified interest, which is intimately relevant to the substantive relationship that is the subject of the judgment, and not merely regulated, like any other interest, by the challenged rule or rules;

that, for this reason, the impact on the subjective position of the intervening party must not derive from the judgment on the constitutionality of the law itself, as for all other substantive situations governed by the challenged law, but rather from the immediate effect that the judgment will have on the substantive relationship that is the object of the underlying case;

that, in the present cases, ANF does not have a direct interest related to the object of the cases themselves, but rather a merely indirect, and more general, interest relating to its statutory purpose, to participate in the proceedings in order to express the opinion of the National Bar Council concerning the adoption of the rules for practicing the legal profession (including those relating to the rules for bar elections);

that, therefore, the intervention of said association must be declared inadmissible;

that the interventions of the attorneys of the bar of Naples, who are not parties to the proceedings introduced by the complaint opposing the decision of the electoral commission of the bar association of La Spezia, are, likewise, inadmissible;
that the fact that the attorneys had brought an analogous complaint before the National Bar Council, challenging the decision of the electoral commission in that district, carries no weight to the contrary, since those proceedings were separate from the pending proceedings here, the parties to which are the only subjects permitted to appear in incidental constitutional proceedings, as stated above (see, among many, Judgments no. 35 of 2017, and 71 and 70 of 2015, and Order no. 100 of 2016), and, if admitted, the intervention of such third parties would go against the incidental character of the constitutional proceedings, in that their access to such proceedings would take place without the referring court having previously verified in the pending proceedings that their question of constitutionality is relevant and not manifestly unfounded (Judgments no. 71 of 2015 and 59 of 2013, and Orders no. 156 and 32 of 2013).

ON THESE GROUNDS

THE CONSTITUTIONAL COURT

declares that the interventions of the National Bar Assocation (ANF) and attorneys Alfredo Sorge, Gabriele Gava, Eugenio Pappa Monteforte, and Sabrina Sifo are inadmissible.

Signed Giorgio Lattanzi, President